Town of Shirley BOARD OF SELECTMEN



7 KEADY WAY - SHIRLEY, MASSACHUSETTS - 01464-2812 Kendra J. Dumont, Chair

Robert E. Prescott, Vice Chair

Enrico C. Cappucci, Clerk

TEL: (978) 425-2600, x200 Fax: (978) 425-2602 Selectmen@shirley-ma.gov

BOARD OF SELECTMEN **MINUTES** July 11th, 2016 7:00 pm TOWN OFFICES

The Board of Selectmen convened its meeting on Monday, June 20th, 2016 at the Town Offices, Meeting Rooms A & B, Chairman Kendra J. Dumont presiding, with Selectmen Robert E. Prescott, Enrico C. Cappucci, and Town Administrator Patrice Garvin in attendance.

CALL TO ORDER

Chair Dumont called to Order the Board of Selectmen's Meeting at 7:00 pm.

Selectmen Cappucci announced that he would be recording the meeting on his own personal voice recorder.

TOWN ADMINISTRATOR REPORT

The Town Administrator gave her weekly report.

I begin by apologizing to the Board for not forwarding the email from JBOS to the Town Clerk for posting. Previously postings were forwarded directly to the Town Clerk, and I had made the assumption our Town Clerk was cc on the email. This is an error that my office has addressed and has corrected moving forward. I spoke to a representative of the Attorney General's Office and Town Counsel, who both stated that all votes would need to be re-voted.

DEC has approved the use of a 50,000 square foot green house on Barnum Road, Devens for the purpose of a marijuana greenhouse. The company that is looking to build the greenhouse is called Mission Massachusetts. I have spoken to their head of cultivation and he has offered to meet with members of the Board, he also suggested inviting their CEO Andrew Thut. I was informed that there will be hearings sometime in September, once a formal application is completed. I will inform the Board to any dates of hearing in regards to this development.

Unfortunately, the Town did not receive a Community Development Block Grant. As the Board knows this is a competitive Federal Grant, the Town received last year. This year's application was joint with the Town of Townsend. We will continue to look at our options moving into the next grant cycle.

Katie Hawthorne, Dispatcher has tendered her resignation and her last day will be Friday, July 15th. We wish Katie well in her new endeavors.

Dick Hingston, of Giusti, Hingston and Company has requested engagement with the Town of Shirley for Fiscal Year 2017, 2018 and 2019. The contract has one year left and it is up to the Board how it would like to proceed.

TREASURY WARRANTS

Selectman Cappucci Motioned to accept the following Treasury Warrants as presented. Selectman Dumont Seconded. Enrico C. Cappucci vote Aye, Kendra J. Dumont vote Aye and Robert E. Prescott, Jr. vote Aye.

APPROVAL OF MINUTES

Selectman Prescott Moves to accept the Board of Selectmen Minutes of June 6th 2016. Selectman Cappucci Seconded. Kendra J. Dumont vote Aye, Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passes.

Selectman Prescott Moves to accept the Board of Selectmen Minutes of June 15th 2016. Selectman Cappucci Seconded. Kendra J. Dumont vote Aye, Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passes.

Selectman Prescott Moves to accept the Board of Selectmen Minutes of June 20th 2016. Selectman Cappucci Seconded. Kendra J. Dumont vote Aye, Enrico C. Cappucci vote Aye and Robert E. Prescott, Jr. vote Aye. Motion Passes.

OLD BUSINESS

1. Energy Committee Update

Chair of the energy Committee Bryan Dumont came up to the microphone to give his update. Mr. Dumont states the town saved \$58,260 during the past year through performance contracting surpassing the annual contractual savings amount by over \$5,000. During the first two years of this agreement the town has exceeded the contract by over \$14,000. Phase two of the performance contracting was approved at Town Meeting and will begin shortly. Completing phase two will bring the town's annual savings to over \$56,000. With that being said Mr. Dumont announces that the town was awarded \$72,742 which will cover all of the updates to the Police Department. Mr. Dumont thanks Town Meeting for making this possible.

Mr. Dumont states that the municipal aggregation website should be available within the next few weeks. He is hoping to hear from DOER in the following weeks to be able to report to the community.

Selectmen Prescott thanked Mr. Dumont and the Energy Committee for their hard work in seeking and receiving this grant.

NEW BUSINESS

2. Joint Election of a Planning Board Member

William Oelfke, Chairmen of the Planning Board stood and opened the joint meeting of the Planning Board and Board of Selectmen for the purpose of electing a new member of the planning board. Planning Board Members Thomas Vachon and Sarah Widing are in attendance.

Selectmen Dumont states that a roll call vote will be held to elect a new member. The candidates are Janet Tice and Jonathan Gailey.

Selectmen Prescott states he has filed a disclosure in the name of transparency that one of the candidates has previously been a part time employee of the company he owns and operates.

Selectmen Dumont votes for Jonathan Gailey

Selectmen Prescott votes for Jonathan Gailey

Selectmen Cappucci votes for Janet Tice

Planning Board Member William Oelfke votes for Janet Tice

Planning Board Member Thomas Vachon abstains

Planning Board Member Sarah Widing votes for Janet Tice

Janet Tice has been elected to the Shirley Planning Board

Mr. Oelfke asks Mr. Gailey if he would accept an associate member position on the Planning Board if elected. Mr. Gailey said yes.

Chair Dumont announces that a roll call vote will be held to elect an Associate Planning Board Member.

All members in attendance voted for Jonathan Gailev

Chair Oelfke announced that the Planning Board is now full and their next meeting will be on July 22nd 2016.

3. Ambulance Department Update

Ambulance Director Mike Detillion and Fire Chief Denis Levesque took the stand to give an update of the Ambulance Department. Mr. Detillion announced that there was a new ambulance purchased and is being prepared to hit the road within the next month or so. Detillion states that they are struggling to keep part time / per diem EMT's. Hard Call EMT's are paid \$50.00 a night just to have the radio on and available to work. He would like to ensure the public that all calls are answered, one way or another. Chief states he would like to see a plan moving forward to have a full time Fire Department again to ensure that there will be no dropped calls. He would like to see this done fiscally responsibly, but that is where he believes the Town needs to be.

Selectmen Prescott thanks both individuals and assures them that although it is taking time, the eventual goal is to get back to a full time department.

4. Devens Senior Housing Project Update, Ed Starzec

Mr. Starzec steps forward to give an update on the Senior Housing Project. He is joined by Betsy Crum who is the Executive Director of the Woman's Institute. Mr. Starzec states that since the new zoning was approved at Super Town Meeting MassDevelopment has put out and Request for Proposal and he was pleased to have three experienced developers come forward. After a lengthy process they picked the Woman's Institute and he believes they will be a great fit for the area.

Director Crum spoke on the history of her non-profit that initial did projects catered toward women but now does housing development for a wide variety of demographics. The institute specializes in housing that is mixed income and brings services in to help people live as long and independently as possible. They are in the final stages of negotiation with MassDevelopment and have already secured initial funding; she hopes to begin initial funding applications this year. Mr. Starzec states the first portion on Hospital Hill is seen as a spring board to develop the remainder of the site. The expected date of potential ground breaking is approximately 2 years away.

Keith Begun asks what impact this would have on the athletic facilities on the ASRMS property. Ed Starzec states that at this phase there will be no impact but when they do get to that phase MassDevelopment will likely look for some swaps.

Frank Esielionis states he believes there should be integration between the Senior Housing Development and the Town of Shirley's senior programs and benefits.

5. Driveway Permit Discussion

Chair Dumont states that this issue came about several meetings ago when there was a meeting simply to approve a driveway cut permit. In order to change this there would need to be a public hearing held and it would need to be presented at Town Meeting.

TA Garvin suggests that the Board asks the Bi-law subcommittee to review this to bring it into a scope that matches what goes on in the rest of the Commonwealth.

Selectmen Cappucci states he relies on DPW Forman Paul Farrar and believes this issue should stay within the department.

6. Village Drive Intent to lay out as a public way

Selectmen Cappucci states he will recuse himself due to living on Village Drive.

Chair Dumont states that this will need to be brought to Town Meeting, but she would like to see what other condominium associations does about becoming roads or staying private. She would also like to know the original priorities of the association when they spoke to the Planning Board.

John Okeefe the vice president of the condo association states that the original intent was to build the road with the specifications to eventually become a Town road and that he urges to send this to the Town for a vote.

Remainder tabled to next agenda.

7. Fiscal Year Departmental Transfers

TA Garvin states that due to it being the end of the year some things run short / unexpected thus requiring departmental transfers.

Selectmen Prescott, Seconded by Selectmen Cappucci moved to pass all Departmental Transfers (attached) line by line. Prescott votes Aye, Cappucci votes Aye, Dumont Votes Aye. Motion Passes

8. Police Officer Interviews

Police Chief Goulden stepped forward with a document for the Selectmen (attached) that enclosed a complaint against a Board member. Chief Goulden states that in his opinion Selectmen Cappucci has overstepped his boundaries in terms reaching out to potential personnel. Goulden states Cappucci called the employment of one of the candidates being interviewed this evening.

Selectmen Cappucci states he had all rights as Selectmen to call any references to make sure he is potentially voting for a good candidate. Cappucci states he made the call; as he makes other calls to ensure that the Town gets the best of the best in terms of employees.

Chief Goulden states that Selectmen Cappucci acted independently of the board and that is an issue. Goulden states that before he can contact any references for a candidate he must receive a signed waiver from the candidate. Mr. Cappucci actions could put this candidate in harm at her current employment. Goulden states this is not the first time Mr. Cappucci has acted on his own as well. Goulden states he had to call the candidates place of employment to discuss this issue and that he does not have permission to contact references without the proper waivers. Goulden believes Selectmen Cappucci should recuse himself from this selection process since he has already jeopardized its integrity.

Chair Dumont states that her main concern is that there were no release forms given to the selectmen stating that they may contact any references of candidates.

Attorney Brian Maser states that every municipality does hiring differently. Usually, it is the department head that reviews the candidate and possibly calls references. The only time a current or previous employer may be called is when the proper documentation has been signed by the candidate. Attorney Maser suggests a motion that would allow the Department Head to conduct an investigation into candidates potentially under their discretion

Selectmen Cappucci states that he couldn't exactly call the two other Selectmen to discuss this as that would be a violation of the open meeting law. Cappucci states that a year ago he got a call while

in the hospital that stated that he needed to do some investigation into a potential police officer that was not what was being perceived by the Police Chief to the Board of Selectmen and states "You knew damn well _____ was not a policeman".

Chair Dumont requested Selectmen Cappucci refrain from using peoples names.

Chief Goulden States that we cannot talk about a person that is not here and wishes to not have this discussion.

Selectmen Cappucci states that anyone with a computer can go on and find out all about the situation he is speaking on.

Chief Goulden once again states that Selectmen Cappucci is being unprofessional and he requests that he recuse himself from the hiring process.

Selectmen Cappucci states he will not recuse himself.

Tim Hatch states that these names were public information as of last Thursday and that anyone that wanted make calls could. Hatch states someone has to do the digging.

Chief Goulden states that no one without a proper release should be doing research on any candidates.

Selectmen Prescott states that there is a process and that process should be followed. Not following the protocol may put a person's livelihood at stake.

Selectmen Prescott motions that moving forward they create a policy that outlines how the selection process should be done. Seconded by Selectmen Cappuccii. Prescott votes Aye. Cappucci votes Aye. Dumont votes Aye. Motion passes

Selectmen Cappucci asked about full background checks.

TA Garvin states that she will put something together for the Board to discuss and vote on at a later meeting.

Chief Goulden announces the first candidate Marc Scola.

Scola introduced himself and discussed his previous employment

Selectmen Prescott asked where Scola saw himself in 5 years?

Scola states that he would earn the respect and hopefully advance his career and move up the ranks.

Selectmen Cappucci asked what Scola believed a police officer's role is?

Scola states he believes it is to be part of the community and keep everyone safe.

Scola states he is passionate about helping people and that is where is heart is.

Selectmen Prescott asked what he knew about Shirley?

Scola states Shirley was incorporated in 1753 and was named after the first Governor of the Commonwealth.

Selectmen Dumont asked what the biggest asset he would bring is.

Scola states he has worked in all three branches of law enforcement, so his experience would bring a lot to the table.

Chief Goulden announced Olivia Siekman as the next candidate.

Mrs. Siekman introduced herself and discussed her almost 10 year tenure with the Milford NH Police Department. Where she is currently a Patrol Sargent.

Selectmen Prescott asked what she knew about Shirley?

She stated that Shirley is surrounded by her whole family and is named after the first Governor of the Commonwealth.

Selectmen Cappucci asked why she would be willing to drop down in rank to come work in Shirey?

Siekman states that she is willing to be a new officer and understands that she must start at the bottom. She hopes that her experience will assist her in rising up the ranks quickly, but does not expect to walk in to any special treatment.

Selectmen Dumont asked what her drive to become a Police Officer was.

Siekman states that a family friend being the Townsend School Resource Officer made her realize her love and passion for working within law enforcement.

What has been the most stressful incident you have encountered as a Police Officer?

Siekman believes that other officers not handling things up to her standards in regard to a stabbing was one of the most stressful situations she has had to deal with. She also finds sexual assault cases very alarming.

Selectmen Cappucci states he is alarmed by her willingness to move down in rank as well as pulling her from NH where there are different laws. He states that if the money is there we should hire both, if not he would like Mr. Scola.

Selectmen Dumont states that she does not believe there will be a problem with Mrs. Siekman's transition. Selectmen Prescott agrees.

Selectmen Cappucci motions to hire Marc Scola as a full time Police Officer, Seconded by Selectmen Prescott. Cappucci votes Aye, Prescott votes No, Dumont votes No. Motion fails.

Chair Dumont requests more time to review this matter.

9. Police Appointments

Selectmen Prescott motions to appoint Kelly Roberts to the position of Full Time Dispatcher for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

Selectmen Prescott motions to appoint Kyla Mahoney to the position of Part Time Dispatcher for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

Reserve Officer Appointments Tabled.

10. Board / Committee Appointments

Selectmen Prescott motions to appoint James Sharkey to the position of Alternate Wiring Inspector for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

Selectmen Prescott motions to appoint Kathy Mitchell to the position of Veterans Memorial Day Celebrations Committee for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

Selectmen Prescott motions to appoint Gordon Chase to the position of Member – Cultural Council for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

Selectmen Prescott motions to appoint Andrew Anderson to the position of EMT for a term to expire 6/30/2017, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

11. Ratify Town Accountant Contract

Selectmen Prescott motions ratify the contract with Donna Allard as presented, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes No. Motion Passed.

Cappucci states his only problem is that the candidate has essentially laid out what she is willing to do and her pay would be equal to what took the previous accountant 12 years to accrue.

Selectmen Prescott states that Donna Allard is an excellent candidate with over 12 years as a seasoned municipal accountant.

12. Lien Release, 114 Walker Road Revote from August 6, 2012

Selectmen Prescott motions to release the lean on 114 Walker Road, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

13. Common Victualer Food License – Panda Restaurant Inc.

Selectmen Prescott motions to approve the Common Vic license for Panda Restaurant Inc. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

14. Joint Board Of Selectmen Update

Chair Dumont updated the board on the JBOS meeting she attended. It was not posted and the only vote taken was for her to be vice chair, which can be re-voted. The new housing on Grant Road is being well received. They also handed out a draft calendar to potentially hold a Super Town Meeting.

15. Acknowledgement of Open Meeting Law Complaint

Attorney Brian Maser suggests that the Board authorize Town Counsel to send a letter to

Selectmen Prescott motions to authorize Town Counsel and the Town Administrator to author a response to the Attorney General's Office and request more time, Selectmen Cappucci seconds. Prescott vote Aye, Dumont votes Aye, Cappucci Votes Aye. Motion Passed.

PUBLIC COMMENTS

ANNOUNCEMENTS

1. Next Meeting: Monday 7/25/16 at 7:00 p.m.

ADJOURNMENT

With no further business to discuss, Chair Dumont motioned to go into executive session at 9:15p.m.to only return to adjourn and Selectmen Cappucci Seconded., Robert E. Prescott vote Aye, Kendra J. Dumont vote Aye, and Enrico C. Cappucci, vote Aye.

Respectfully submitted,

Nathan Boudreau, Executive Assistant

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Robert E. Prescott, Jr., Chair

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Inrico C. Cappucci, Member

Pursuant to the 'Open Meeting Law,' G.L. 39,§ 23B, the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting, the members present and absent, and the actions taken at the meeting. Any other description of statements made by any person, or the summary of the discussion of any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.



Legal Notice Board of Selectmen Notice of Vacancy on Planning Board

The Shirley Planning Board and Board of Selectmen will hold an election on Wednesday, June 15th, 2016 at the Town Offices, 7 Keady Way, during the regularly scheduled Board of Selectmen's meeting to elect a member of the Shirley Planning Board. Any persons interested in serving on the Planning Board are asked to submit letters of interest to Executive Assistant Nathan Boudreau at Town Hall or nboudreau@shirley-ma.gov no later than 6/14/2016 at noon.

Shirley Board of Selectmen & Planning Board

Tabled to July 11th

Nate Boudreau

From:

Garvin, Patrice

Sent:

Thursday, June 09, 2016 2:28 PM

To: Subject: Nate Boudreau FW: Planning Board

From: John Gailey [mailto:johnagailey@gmail.com]

Sent: Thursday, June 02, 2016 5:27 PM

To: Garvin, Patrice **Subject:** Planning Board

Mrs. Garvin:

Please accept this as a formal request for appointment to the planning board for the active member seat that has become vacant.

I have recently graduated college with a BS in Mechanical Engineering and now have the time to contribute to this board. Thank you for your consideration.

Sincerely,

John Gailey

Request From: Janet Tice Email: jetice9@aol.com

Source IP: 71.232.239.234

Street Address: 11 Whitney Rd

Mailing Address: same

Home Phone: 978 425 9067 Work Phone: 978 534 5803

Fax:

Are you a registered voter in the Town of Shirley?

Yes

Do you have conflicts with meeting times or group assignments?

No

If you have previously served on any Boards or Committees in the Town of Shirley, please describe your experience:

Shirley Historic District Commission; Shirley Meeting House Board of Directors

Are there other background experiences or skills that you feel would contribute to this appointment?

As a 30-year resident of Shirley and local small business owner, I would bring a broad, balanced perspective to the Planning Board's efforts along with extensive experience working on teams to solve complex problems. In addition to my current role as company vice president, I am an officer & director of both the Boston Area Chapter of the Society of Pharmaceutical Engineers and the Shirley Meeting House Preservation Society. Prior to launching a start-up process piping business with my husband in 2002, I enjoyed a long career in the private sector where I managed a team of 60 technical professionals for a Massachusetts-based Fortune 500 life sciences company. I hold a bachelor's degree in biology and math and have spent most of my career in technical fields, first in clinical research at Harvard Medical School, later as a specialist in water purification for healthcare and pharmaceutical applications and

now in the process piping field. I believe my technical background, man

agement skills and experience as a long time Shirley resident would be an asset to the Planning Board & would help the Board accomplish its goals.

Any particular board or committee you are interested in volunteering for?

Planning Board Associate position

What are your goals for this Board or Committee?

My immediate goals are to learn as much as possible about local zoning & land use concerns while helping the Planning Board in every way I can while bringing my knowledge up to speed. (Thus my reason for applying for the associate position.) My longer term goal is to become a voting member of the Board.



TOWN OF SHIRLEY POLICE DEPARTMENT

11 Keady Way Shirley, Massachusetts 01464 DEPARTMENT/OPERATIONS 978-425-2642 FAX: 978-425-2646

> RECORDS BUREAU 978-425-2644 FAX: 978-425-2646

EXECUTIVE ASSISTANT 978-425-2644 FAX: 978-425-2646 awhiting@shirtey-mapd.org

CHIEF OF POLICE 978-425-2645 FAX: 978-425-2646 tgoulden@shirley-mapd.org

THOMAS J. GOULDEN II
CHIEF OF POLICE

July 11, 2016

Board of Selectmen Town of Shirley 7 Keady Way Shirley, MA 01464

Re: Complaint against Board Member

Dear Board Members

May this find you all well. This letter is to inform you that on July 9, 2016 at approximately 1:10 PM a phone call was placed to the Milford, New Hampshire Police Department from a phone number belonging to Selectmen Enrico Cappucci (978-425-9561). The caller identified himself as the former police chief and current Selectmen.

I am concerned about this phone call which was likely placed by Mr. Cappucci, because it appears that Selectman Cappucci may have acted independently from the Board of Selectmen. He contacted the current employer of a candidate who is being interviewed this evening for the vacant full time position. Mr. Cappucci does not have a written waiver or release from the candidate which would allow him to contact current or past employers. Because of his unilateral action he has essentially notified the current employer that this candidate is in the hiring process with another jurisdiction; this untimely and uncalled for notification could affect her current employment if she is not selected for the current full time position.

During prior meetings with Selectman Cappucci he led me to understand that he was not interested in running the day to day operations of the Shirley Police Department; this statement was heard by other Town Officials.

As Chief of Police, it is my responsibility to completely vet applicants and make a recommendation to the Board of Selectmen for the appointment of Police Officers. As part of this process, I obtain written waivers and releases from the candidates which allows me to contact current and past employers, personal references, neighbors and family members. Absent such a release, the Town of Shirley is exposed to civil liability if an applicant can show that such an inquiry caused a tort.

As you know, Mr. Cappucci is a former Police Chief. I am sure that he hired many police officers during his career. Based on his experience, I would have expected that he would have known that he should not conduct any type of inquiry into an applicant's background without the proper waivers and releases.

I would hope that in the future, that members of the Board of Selectmen will not become involved in the hiring process until after a candidate is brought forward to be interviewed. Then, only after proper releases are obtained.

Respectfully Submitted,

Thomas J. Goulden

Chief of Police

From: Olivia Siekman

To: Thomas Goulden

Subject: Cappucci

Date: Sat, Jul 9, 2016 7:24 pm

Chief Goulden,

On 7/9/16, I spoke with an officer of the Milford Police Department informing me that a man named Cappucci had called and spoke with front desk personnel Nick Duquette regarding me.

I made contact with Nick and he informed me that today, 7/9/16, while working at Milford PD, he received a phone call from a male. This male asked if he could speak with the officer in charge and Nick told him that all the officers were on the road, but asked if there was anything he could help him with. The male told him that his name was Cappucci (unknown first) and that he was a former chief of police and is now a selectman.

Cappucci told Nick that he wanted to speak with someone regarding Sergeant Olivia Siekman, as she put in for a police officer's position and was curious how she was as a Sergeant. Nick told him that she is a great Sergeant, but told him that he did not know that she was leaving, and she will be sadly missed. Cappucci asked him, "is she that good?" Nick responded that she can handle anything that a man can and then sum. Cappucci said well that's good, thank you and then hung up.

Please contact me should you have any further questions. Thank you,

Olivia Siekman

intercom Numbers

300 - Front Desk

354 - Siekman

307-Spitz

365 - Stone

301-VIO

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FY 2016 DEPARTMENTAL TRANSFER REQUESTS

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